

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Cheryl D. Forbes, )  
                        )  
                        )  
Plaintiff,           ) Civil Action No. 2:22-cv-2398-BHH  
                        )  
v.                     )  
                        )  
Wal-Mart Stores, Inc.; Wal-Mart, Inc.;                   **ORDER**  
Wal-Mart Associates, Inc.; and                         )  
Wal-Mart Stores East, LP,                                 )  
                        )  
Defendants.           )  
                        )  
\_\_\_\_\_

This matter is before the Court upon Plaintiff Cheryl D. Forbes' ("Plaintiff") complaint alleging that Defendants' negligence and gross negligence caused her injuries when she slipped and fell on misplaced products in a Wal-Mart store on November 16, 2019. On December 7, 2022, Defendants ("Defendants") filed a motion for summary judgment, and the matter was referred to a United States Magistrate Judge for preliminary determinations in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C.

On June 14, 2023, Magistrate Judge Molly H. Cherry issued a report and recommendation ("Report"), outlining the issues and recommending that the Court grant Defendants' motion. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party has filed objections to the Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and fully agrees with the Magistrate Judge’s thorough analysis. Accordingly, the Court adopts and incorporates the Magistrate Judge’s Report (ECF No. 32), and the Court grants Defendants’ motion for summary judgment (ECF No. 24).

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

July 7, 2023  
Charleston, South Carolina